

## **REMARKS**

Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 20, 21, 37, 44, 57, 59 and 62 are amended. Accordingly, claims 1-44, 57-59 and 62 are pending in the application.

### **I. Claims Rejected Under 35 U.S.C. § 102**

Claims 1-5, 14-17, 19-21, 37-42, 44, 57, 59 and 62 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0146056 filed by Martin. To establish an anticipation rejection the Examiner must show that the cited reference teaches each element of a claim.

Claim 1, as amended, recites the elements of “generating a pair of time-stamp request packets,” “transmitting the pair of time-stamp request packets to at least one hop on the end-to-end path,” “generating a time-stamp in response to the pair of time-stamp request packets with the hop” (emphasis added). Support for the amendments may be found, for example, in paragraphs [0056]-[0060] of the Specification. Martin fails to teach or suggest these cited elements. In contrast, Martin discloses sending echo reply control messages between network entities, but fails to teach or suggest sending and responding to echo reply control messages in the manner recited in amended claim 1. See Martin, paragraph [0004]. Consequently, for at these foregoing reasons, Martin fails to teach each element in amended claim 1. Accordingly reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

With respect to independent claims 20, 21, 37, 44, 57, 59 and 62, these claims have been amended to recite analogous elements to those in amended claim 1. Thus, for at least the previous reasons discussed in connection with amended claim 1, Martin fails to teach each element in amended claim 1. Accordingly reconsideration and withdrawal of the rejection of claims 20, 21, 37, 44, 57, 59 and 62 are respectfully requested.

In addition, the respective dependent claims of amended claims 1 and 37 are patentable over the cited art because of their dependencies on amended claims 1 or 37. Accordingly reconsideration and withdrawal of the rejection of claims 2-5, 14-17, 19 and 38-42 are respectfully requested.

## **II. Claims Rejected Under 35 U.S.C. § 103**

Claims 6 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of U.S. Patent Publication No. 2004/0210632 filed by Carlson et al.

Claims 6 and 11 depend on base claim 1 and incorporate the limitations thereof. Therefore, in view of at least the reasons discussed in connection with claim 1, Martin fails to teach or suggest each element of claims 6 and 11. In addition, Carlson fails to teach or suggest the missing elements. The Examiner has not cited and Applicants are unable to discern the section of Carlson that teaches or suggests the missing elements in claim 1. Thus, claims 6 and 11 are patentable over the cited art because of their dependencies on claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 6 and 11 are respectfully requested.

Claims 7-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of U.S. Patent Publication No. 2003/0152034 filed by Zhang et al.

Claims 7-10 depend on base claim 1 and incorporate the limitations thereof. Therefore, in view of at least the reasons discussed in connection with claim 1, Martin fails to teach or suggest each element of claims 7-10. In addition, Zhang fails to teach or suggest the missing elements. The Examiner has not cited and Applicants are unable to discern the section of Zhang that teaches or suggests the missing elements in claim 1. Thus, claims 7-10 are patentable over the cited art because of their dependencies on claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 7-10 are respectfully requested.

Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view U.S. Patent No. 7,068,677 issued to Arai et al.

Claims 12 and 13 depend on base claim 1 and incorporate the limitations thereof. Therefore, in view of at least the reasons discussed in connection with claim 1, Martin fails to teach or suggest each element of claims 12 and 13. In addition, Arai fails to teach or suggest the missing elements. The Examiner has not cited and Applicants are unable to discern the section of Arai that teaches or suggests the missing elements in claim 1. Thus, claims 12 and 13 are patentable over the cited art because of their dependencies on claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 12 and 13 are respectfully requested.

Claims 18, 33 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of U.S. Patent Publication No. 2003/0040320 filed by Lucidarme et al.

Claims 18, 33 and 43 depend on base claims 1, 22 or 37 and incorporate the limitations thereof. Therefore, in view of at least the reasons discussed in connection with claims 1, 22 and 37, Martin fails to teach or suggest each element of claims 18, 33 and 43. In addition, Lucidarme fails to teach or suggest the missing elements. The Examiner has not cited and Applicants are unable to discern the section of Lucidarme that teaches or suggests the missing elements in claims 1, 22 and 37. Thus, claims 18, 33 and 43 are patentable over the cited art because of their dependencies on claims 1, 22 or 37. Accordingly, reconsideration and withdrawal of the rejection of claims 18, 33 and 43 are respectfully requested.

Claims 22-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of U.S. Patent Publication No. 2004/0025018 filed by Haas et al.

Claim 22, among other limitations, recites the elements of “sending the time-stamp request packet to at least one respective hop on the end-to-end path with *an origination address of the origination node spoofed to that of another hop on the network*” (emphasis added). The Examiner has conceded that Martin fails to teach or suggest these elements. Moreover, the portion of Haas cited by the Examiner fails to teach or suggest these cited elements. Although Haas teaches “an adversary that can spoof a data link address,” it should be understood that Haas teaches spoofing **in relation to a malicious route error message** instead of “the time-stamp request packet,” as recited in claim 22. In particular, Haas teaches that “[r]oute error messages **do not include a MAC**,” and “[t]his allows an adversary that can spoof a data link address and lies within hop [*sic*] of an end-to-end data flow (route) **to inject a route error**” (emphasis added). See Haas, paragraph [0095]. However, Haas teaches that the MAC is a hashed field that includes “the entire IP header,” which a skilled artisan would understand to include **an IP source address**. See Haas, paragraph [0070]. Because Haas teaches that the malicious route error message **fails to include a MAC** (i.e., an IP header including an IP source address), the injection of a malicious route error message would not include “an origination address of the origination node spoofed to that of another hop on the network,” as recited in claim 22. As a result, Haas fails to teach or suggest each element in claim 22. Therefore, for at least the reasons set forth

above, Martin in view of Haas fails to teach or suggest each element in claim 22. Accordingly reconsideration and withdrawal of the rejection of claim 22 are respectfully requested.

Claims 23-34 depend on base claim 22 and incorporate the limitations thereof. Therefore, in view of at least the reasons discussed in connection with claim 22, Martin in view of Haas fails to teach or suggest each element of claims 23-34. Thus, claims 23-34 are patentable over the cited art because of their dependencies on claim 22. Accordingly, reconsideration and withdrawal of the rejection of claims 23-34 are respectfully requested.

With respect to independent claims 35 and 36, these claims recite analogous elements to those in claim 22. Thus, for at least the previous reasons discussed in connection with claim 22, Martin in view of Haas fails to teach each element in claims 35 and 36 as well. Accordingly reconsideration and withdrawal of the rejection of claims 35 and 36 are respectfully requested.

Claim 58 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of U.S. Patent Publication No. 20070233946 filed by Jewett et al.

Claim 58 depends from amended claim 57 and incorporates the limitations thereof. Thus, for at least the reasons discussed in connection with amended claim 57, Martin fails to teach or suggest each element of claim 58. In addition, Jewett fails to teach or suggest the missing elements in amended claim 57. The Examiner has not cited and Applicants are unable to discern the portion of Jewett that allegedly teaches or suggests the missing elements in amended claim 57. As a result, the cited art fails to teach or suggest each element in claim 58 because of its dependency on amended claim 57. Accordingly reconsideration and withdrawal of the rejection of claim 57 are respectfully requested.


## **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (408) 720-8300.

Respectfully submitted,

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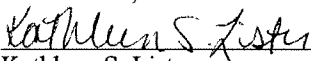
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Kathleen S. Lister      November 18, 2008